

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY J. CANTRELL AZURE,

Defendant.

CR-17-28-GF-BMM-JTJ

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS AND
GRANTING MOTION TO
CHANGE PLEA**

Defendant Gregory J. Cantrell Azure (Azure) appeared before United States Magistrate Judge John Johnston on August 1, 2017, and entered a plea of guilty to Assault Resulting in Serious Bodily Injury, as charged in Count I of the Indictment. Judge Johnston entered Findings and Recommendations the same day. (Doc. 28). Judge Johnston determined: (1) that Azure was fully competent and capable of entering an informed and voluntary plea; (2) that Azure was aware of the nature of the charges against him and the consequences of pleading guilty to Count I; (3) that Azure understood his constitutional rights, and the extent to which he was waving those rights by pleading guilty; (4) that Azure's plea of guilty was a knowing and voluntary plea supported by an independent basis in fact establishing each of the essential elements of the offense charged in Count I; (5) that Azure had

adequate time to review the Plea Agreement with counsel; and (6) that Azure understood each provision of the Plea Agreement. (Doc. 28 at 1-2). Judge Johnston recommended that this Court accept Azure's plea of guilty to Count I, and that Count II of the Indictment be dismissed. (Doc. 28 at 2). Neither party filed objections to Judge Johnston's Findings and Recommendations.

Given that no objections were filed, the Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Azure's Motion to Change Plea (Doc. 18) is GRANTED.
2. The Court will defer acceptance of the Plea Agreement (Doc. 22) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

DATED this 21st day of August, 2017.



Brian Morris
United States District Court Judge